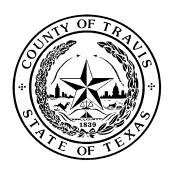
Travis County Adult Probation



Probationer Handbook

Dr. Geraldine Nagy, Director Rosie Ramon-Duran, Assistant Director

INDEX

<u>IOPIC</u> PA	<u>GE</u>
Probation Office Location & Contact Information	
Offices	1
Mailing Addresses For All Locations	
Department Website	
Voice Response System	
•Map Of Probation Offices	
•Security	
Being On Probation	
How To Be Successful On Probation.	
	6
•Frequently Asked Questions	,
What Happens If I Violate My Conditions Of Probation	6
What Kind Of Fees Am I Required to Pay	7
Where Do I Pay My Fees	7
What Are The Procedures For Making Payments	7
Web Pay	8
How Do I Keep Up With My Fee Balances	9
What Happens If I Don't Pay My Fees	10
What Can I Do If I Don't Have A Job Or Lose My Job	10
Do I Need To Do Anything If I Change Jobs, Quit My Job, Lose My	
Job Or Get A Job	10
What About Office Visits	10
Can I Bring Children To My Office Visits	
Do I Need To Bring Anything To My Office Visits	10
Why Do I Need A Probation ID Card	10
Can I Leave Town	11
Can I Move	11
Will I Be Tested for Drugs Or Alcohol	11
What If The Court Requires Electronic Monitoring (ELM)	12
What If An Ignition Interlock Device Is Ordered By The Courts	12
What Must I Do If Ordered To Complete DNA Testing	12
What If I Have An Alcohol/Drug Problem or Have Been Ordered To	
Complete Treatment	12
What If I Must Complete A DWI Or Drug Education Class	
What If I Need Help With My Education, Would Like To Get A GED	
Or A GED Is Ordered By The Courts	13
What If I Am Required To Complete Other Classes Not	
Mentioned Above.	13
What If I Need Other Resources.	13
How Do I Complete The Community Service Restitution (CSR)	
Ordered By The Court	13
Can I Get Off Probation Early.	14
•Civil Rights	14
_	15
	15 15
Holding Public Office.	15
Serving on a Jury	16
Right to Keep and Bear Arms	17
KEV 12-13-12	

Probation Office Locations & Contact Information

Offices:

North/Precinct 2 10409 Burnet Rd. Austin, TX 78758 512-854-9775

 Field Supervision Counseling Center South/Precinct 4 4011 McKinney Falls Pkwy. Austin, TX 78744

Field Supervision

Specialized Supervision

Counseling Center

512-854-3623

Administration 411 West 13th St. Austin, TX 78701 512-854-4600

 Administration Assessments

 Orientation Court Services 512-854-2723

Programs

Intake Blackwell-Thurman Criminal Justice Center 509 W. 11th St., Room 2.900 Austin, TX 78701

New Probation Processing

SMART

3404 S. FM 973 Del Valle, TX 78617 512-854-3150

Residential Facility

Mental Health Unit

Austin, TX 78751

512-854-1800

4920 IH 35 North, Suite 110

Specialized Supervision

(See Page 2 and 3 for maps to all locations)

Mailing Address for all Locations:

Travis County Adult Probation P.O. Box 2245 Austin, TX 78768

Department Website: www.co.travis.tx.us/adultprobation

Web Pay:

www.cssreporting.com

To create your account, you must have an email address (see page 8). By registering for Web Pay, you can do the following:

- Make a payment online
- View fee balances
- View CSR information
- View Officer information

Voice Response System:

1-800-451-3887 Local, call 512-495-6563

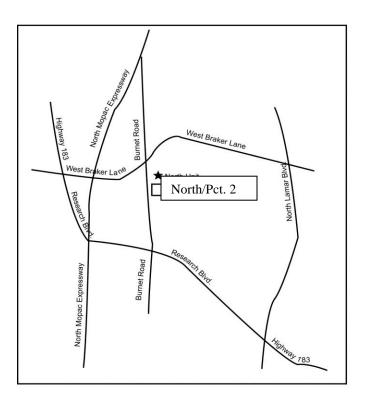
By calling the Voice Response System, you can do the following:

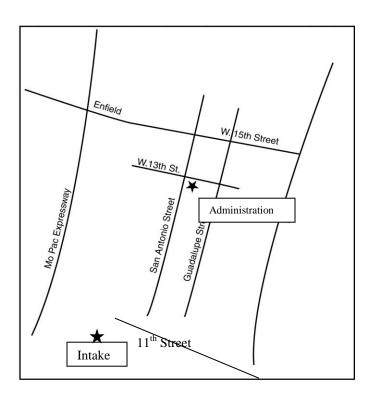
- Get the location and office hours for probation offices
- Obtain the Community Service Restitution (CSR) hours and balances.
- Obtain your Fee Balances/make payments using credit card
- Verify your next appointment
- Access a Probation Officer directory

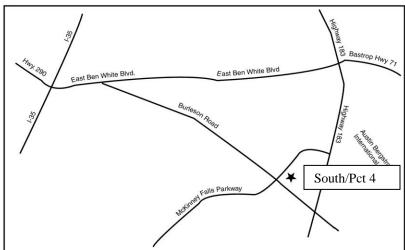
MAPS of Probation Offices

North Unit-Precinct 2

Administration/Intake

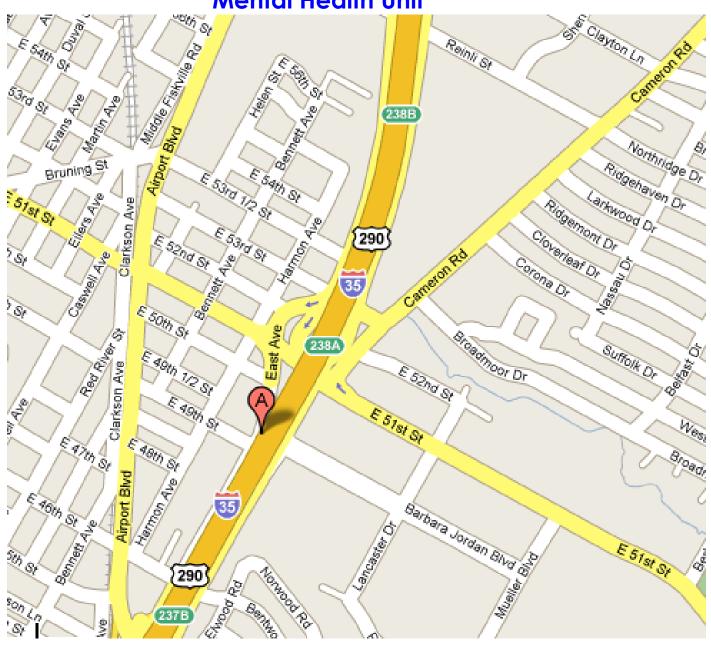




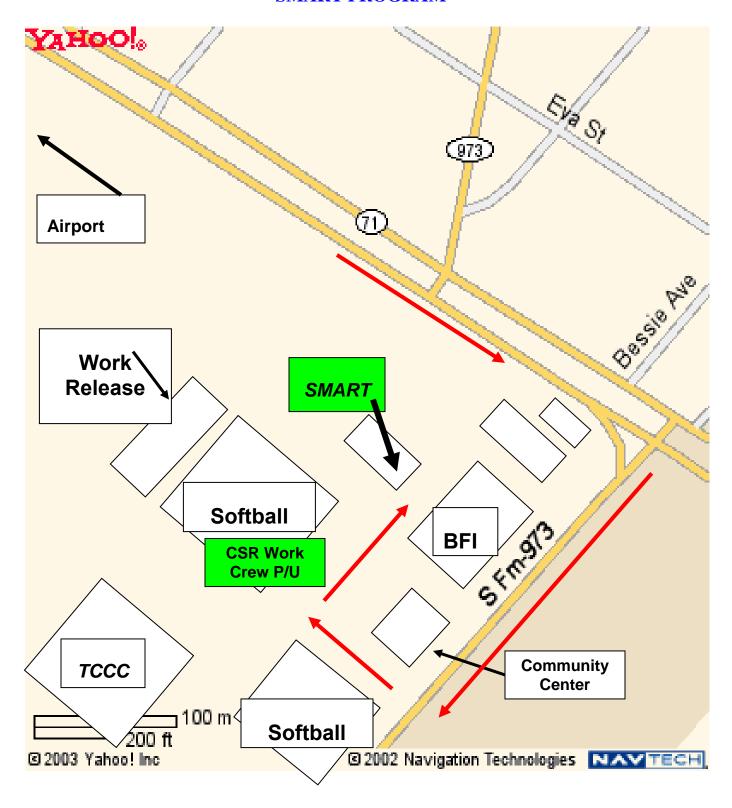


South Unit/Pct 4

Mental Health Unit



SMART PROGRAM



Security

For the safety of all visitors and probation department employees, the following security measures are in place at probation offices:

- All persons, hand carried items, and vehicles on the premises are subject to search.
- Premises are monitored by security cameras and security personnel.
- Metal detector screening is required at field offices.
- All persons must receive clearance before entering the office area.
- Purses, cell phones, wallets with chains, diaper bags, brief cases, backpacks, packages, boxes, etc. are not allowed in office areas. Do not bring these items to the probation office. The only items that are allowed in the office area are paperwork or other items required for your office visit. Secure all other items in your vehicle and lock the vehicle if you must bring them. If you do not have a vehicle to secure the items in, there are lockers available in the waiting area to place them in. The department is not responsible for items placed in the lockers.
- Weapons are not allowed.
- Do not bring pocket knives or any other item that could be used as a weapon to probation offices.
- All persons must refrain from disorderly conduct, abusive language, or disturbing the peace while present at the office of the department.
- All persons must dress appropriately or they will be asked to leave the premises.

Being on Probation

Probation in the State of Texas is an alternative to incarceration in a jail or prison. Probation is sometimes referred to as Community Supervision but they mean the same thing. You plead guilty, no contest, or were found guilty by a jury, for a criminal offense. The court found reason to show you are guilty as charged. If you are guilty of a criminal offense, you are sentenced to jail or prison as a punishment for the crime. However, after considering the evidence, the court is permitted by law to suspend the imposition and execution of a sentence to jail or prison and grant probation. There are two types of probation; regular and deferred. Regular probation means your criminal history will reflect a conviction.

Deferred adjudication means your criminal history will reflect the arrest. If you successfully complete your deferred adjudication probation, your record will not reflect a conviction. If granted probation, this means you can remain in the community in lieu of incarceration provided you abide by the terms and conditions as set forth by the court that are noted on your conditions of probation.

Probation is a form of punishment for violating the laws of the land, but it is also an opportunity for you to make positive changes in your life. With probation you are able to remain in the community, work, and be with your family and friends as long as you abide by the conditions of your probation. Your conditions require that you obey all laws, pay fees, submit to drug testing, report to a Probation Officer (PO), etc. and they also may include programs or other requirements that are designed to help you address problems that are known to contribute to criminal behavior. Your PO will monitor your compliance to the conditions of your probation and take appropriate action which may include filing a violation report with the courts if you fail to do what is required. But, your PO is also there to help you be successful on probation. They can be very helpful to you by referring you to resources, answering questions, and guiding you in meeting the conditions of your probation.

How to be Successful on Probation

- Know your conditions of probation. They explain what is expected of you while on probation.
- Abide by the conditions of your probation. If you follow the conditions you
 will complete your probation successfully and it will help you make positive
 changes in your life.
- Talk to your PO if you have any questions or need guidance in meeting your probation requirements. Open communication with your PO is important.

Frequently Asked Questions

What Happens If I Violate My Conditions Of Probation?

If you choose not to follow the conditions of your probation, your PO is required by the court to take action. This action may include requesting a warrant for your arrest, the Judge requiring you to return to court to add more conditions to your probation, or your probation could be revoked. If your probation is revoked, the courts will order you to complete the prison or jail time you were originally sentenced to complete but was not imposed due to placing you on probation.

What Kind Of Fees Am I Required To Pay?

Fees are court ordered and include a **Fine**, **Court Costs**, and **Probation Supervision** fees. Depending on your particular case, the court may add other fees such as **Court Appointed Attorney** fees, **Crimestopper** fees, **Assessment** fees and **Restitution** which is repaying the victim for what was lost or damaged. If you are required to submit to drug/alcohol tests you will be required to pay a \$10.00 co-payment for each drug testing event. You will be charged a \$2.00 **Transaction Fee** each time you make a payment to the probation department.

Where Do I Pay My Fees?

Fees Paid at the Travis County Tax Office:

Misdemeanor Offenses - Fine, Court Costs, Court Appointed Attorney Fees, and Crimestopper Fee: These payments should be made to the Travis County Tax Office/Centralized Collections. Contact the Tax Office at the Blackwell-Thurman Criminal Justice Center, 509 W. 11th St., Room 1.300, Austin, TX 78701 or call them at (512)854-4476.

NOTE-If your case was originally filed as a felony but pled down to a misdemeanor, you will not make these payments to the Tax Office. These payments will be made to the Adult Probation Office.

Fees Paid at the Adult Probation Office:

- Misdemeanor Offenses— <u>Supervision Fees</u>, <u>Restitution</u>, <u>Assessment Fees</u>, and <u>Other Probation Fees</u>: Make these payments to the Adult Probation Office. *See "What are the Procedures For Making Payments" below
- Felony Offenses- Fine, Court Costs, Court Appointed Attorney Fees, Crimestopper Fee, Supervision Fees, Restitution, Assessment Fees, and Other Probation Fees: Make these payments to the Adult Probation Office. *See "What are the Procedures for Making Payments" below

*What Are The "Procedures For Making Payments"?

- You can make payments in person at the North and South probation offices between 7:30 a.m. and 5:30 p.m. You may also make payments in person at the Intake office from 8:00 a.m. to 4:30 p.m. and the Administrative office from 8:00 am to 5:00 pm. A payment drop box for after hours is available outside the building at the North and South Probation Office. Other drop boxes are available inside probation offices at the Administrative Office, and South Office. Payments may also be mailed to the department's mailing address (see page 1 for mailing address).
- Payments may be made with a Cashier's Check, Money Order, or Credit Card (Visa, Mastercard, and Debit with the Visa and Mastercard logo).

Personal checks <u>are not</u> accepted! Cash payments are accepted at the Administrative Office and Intake Office if you are paying in person. <u>Do not mail cash at any time</u>.

- Include the \$2.00 Transaction Fee with each payment you make.
- Make Cashier's Check or Money Order payable to "Travis Co. Adult Probation Department". <u>Do not make it payable to your Probation Officer.</u>
- Have your Probation ID available when making payments to ensure proper identification of your case.
- When mailing payments, <u>print</u> your name, address, date-of-birth, and cause number on the Cashier's Check or Money Order. Make sure it is readable! Your cause number can be found on your conditions of probation and Probation ID card.
- Call Bookkeeping at 512.854.4600 for any payment related questions or ask your Probation Officer.
- When you mail your payment or place your money order/cashier's check in the drop box, you may request bookkeeping to mail you the receipt for your payment.

Web Pay

To pay through Web Pay, you must have an email account. Your Probation Officer will provide you a letter with a Web Report ID number. Once you have the number, you will log on to www.cssreporting.com and click on 'Not Registered Yet.' You will then set up a password and have the ability to pay online with your credit card. When you make a payment you must add \$2.00 to the amount that you are paying to cover the transaction fee. In addition, there will be a convenience fee of 2.75% or a minimum of \$1.00 added to each payment, which will be posted on your credit card statement. Please note that the payment will not post for approximately three (3) days.

To utilize the Voice Response System for a credit card payment, call the

Voice Response System:

1-800-451-3887 Local, call 512-495-6563

and follow the prompts for "Case Information." Please enter your cause number found on your Probation I.D. card, and DOB in the mm/dd/yy format, when prompted for your PIN. Two charges will appear on your credit card statement for: the payment, "Travis CSCD", which includes our \$2.00 Transaction Fee, and the vendor convenience fees "Travis CSCD-Tran.Fee" of either 3% or \$4.95 whichever is greater.

Keep in mind, it takes three (3) to five (5) days for payments to be processed through the bank before it is reflected on our Department records. Bookkeeping staff can verify payments if needed for court.

 To use your CREDIT CARD to send a money transfer to Travis County Adult Probation through Western Union: All payment options are subject to the service terms and conditions including different fees, send amounts, and other restrictions in certain states. The Western Union office will give an explanation of how the credit card transaction is processed since it may vary depending on the type of card, etcetera.

- Cash payments may also be made through Western Union:
 (Call 1-800-325-6000 to locate the Western Union Agent nearest you.)
 - 1. Visit the Western Union Agent location and fill out the Blue Quick Collect Send Form. Make sure to include the following information:

Pay to: Travis County Adult Probation

Code City: TCADULTPROBATION

State: TX

Account No.: Include Client's Cause # + Client's Last Name
Attention: Include Client's DOB + Client's First Name

- 2. Give cash and the service fee to the clerk and they will process your money transfer.
- 3. As soon as a payment is made at any Western Union location, the check prints in the department's Bookkeeping office.
- 4. The transfer amount is then credited to your cause number.
- 5. Western Union will give you a control number when making a payment through their locations. You may contact the department's Bookkeeping office for payment verification. Bookkeeping will need the control number to verify.

How Do I Keep Up With My Fee Balances?

For your records, you will be given a receipt with each payment that you make in person. You may request receipts be mailed to you for payments made by mail, or Voice Response System. If using Web Pay, you can log onto your account and view fee balances. In addition, a payment plan will be completed for you. The Payment Plan will tell you the amount you need to pay and the due date for the payment. Discuss any financial difficulties in paying your fees with your PO.

What Happens If I Don't Pay My Fees?

Remember that your fees are court ordered, therefore they must be paid. Fees are a condition of probation. Failure to pay is a violation of your probation and could result in court action.

What Can I Do If I Don't Have A Job Or Lose My Job?

Your Probation Officer can refer you to the ACHIEVE Program which will assist you in job searching and there is no cost. Your PO will also be able to refer you to other resources to help you find employment. Ask your Probation Officer for employment resources that may help you.

Do I Need To Do Anything If I Change Jobs, Quit My Job, Lose My Job, Or Get a Job?

Notify your PO immediately if your employment status changes.

What About Office Visits?

Reporting is one of the most important conditions of your probation. You will be required to report once per month, or more, as directed by your PO and the court. It is important not to confuse the payment of your financial obligation with reporting. You are required to report as directed regardless of whether you are able to make a payment or not. You must report for each office visit as scheduled. It is important to be on time for your appointments.

Can I Bring Children To My Office Visit?

Bringing children under the age of 18 to an office visit is highly discouraged. Sex offenders will be present at the field offices. Make arrangements for child care prior to your office visit.

Do I Need To Bring Anything To My Office Visits?

Bring your fees if they are due and yellow folder with any paperwork requested by your PO to each office visit. In addition, always have your TX Driver's License or TX ID and your Probation ID with you each time you visit a probation office.

Why Do I Need A Probation ID Card?

You will be asked for your Probation ID Card at the Reception Desk, at Bookkeeping when you pay your fees, in the Lab when you submit to drug testing, and when you report to do your community service work. This ID will properly identify you. It has your picture, DOB, Cause# and SID# on the card. This information is important to have when making payments, checking in for CSR, etc. to ensure proper credit is given to you when you make fees and complete community service.

The Probation ID Card also provides the department's mailing address, website and contact numbers on the back for your convenience. If the Probation ID Card is misplaced or lost, a replacement can be purchased for \$5.00 plus a

\$2.00 processing fee. Report to Bookkeeping, pay the fee and you will be provided with a receipt. At that time, Bookkeeping staff will submit a request for the replacement ID card, which will be forwarded to your officer.

Can I Leave Town?

You can only leave Travis County if approved by your PO or the court. Discuss any travel needs with your PO to obtain permission to travel.

Can I Move?

Within Travis County:

All probationers must receive permission from their PO before moving within Travis County. If you have to move in an emergency you must notify your PO the next working day.

Outside of Travis County:

All probationers must get permission from their PO before they move to another city in Texas outside of Travis County. Permission must also be granted by your PO before moving to another state. You must also understand that you have to be approved by the jurisdiction you are moving to before you will be allowed to move to that location. Due to these requirements, be aware that transferring your probation to another jurisdiction can be a time consuming process.

NOTE-You must notify DPS of an address change within 30 days of moving (see Driver's License and Texas ID Information Sheet given to you at Orientation for further information).

Will I Be Tested For Drugs/Alcohol?

Yes, you will be required to submit to drug testing. It is a condition of your probation ordered by the courts. Your PO will advise you on how often you must be tested. The probation department may use urine testing, breathalyzers, and/or other forms of approved drug testing methods such as the SCRAM Bracelet to test for drug/alcohol use. You will be monitored when submitting urine samples for testing.

What If The Court Requires Electronic Monitoring (ELM)?

Electronic Monitoring is an ankle bracelet that detects your whereabouts. If ordered by the courts, you are required to wear it for the length of time required by the judge. While on ELM, you will only be allowed to leave your home as approved by your PO and/or the court. Your PO will assist you in having the bracelet installed by an ELM company.

What If An Ignition Interlock Device Is Ordered By The Courts?

Ignition Interlock is a piece of equipment that is installed in your vehicle when ordered by the court. It is used to verify you are not using alcohol and driving. Your vehicle will not start if alcohol is detected. Intake staff or your PO will refer you to companies that are approved to install the device.

What Must I Do If Ordered To Complete DNA Testing?

There are two types of DNA submission; saliva swab and blood. The saliva swab is utilized for those offenders who have been convicted of a felony. The blood submission is utilized for registered sex offenders. If you are a sex offender, your PO will refer you to a company that administers the blood test and provide you with information on the fees.

What If I Have An Alcohol/Drug Problem Or Have Been Ordered To Complete Treatment?

You will be required to submit to an assessment before being referred to a treatment program. The assessment will determine if treatment is needed and what level of treatment is appropriate. Funds are available to pay for treatment if you do not have the means to pay for it, however, you will be assessed a copayment. Your PO will assist you in completing the assessment and referral to the treatment program, and can tell you about the fees.

What If I Must Complete A DWI Or Drug Education Class?

Orientation staff or your PO will provide you with a list of programs that offer the class. You will be required to pay the entire cost of these classes. These classes must be completed within a specified amount of time as indicated on your conditions of probation in order for your Driver's License to be reinstated. It is your responsibility to contact Texas DPS regarding the status of your Driver's License. See the *Driver's License and TX ID Information sheet* provided to you at Orientation and ask your PO for more information.

What If I Need Help With My Education, Would Like to Get a GED Or A GED Is Ordered By The Courts?

There are a number of educational programs in the Austin area. If you have trouble reading and writing, your PO can refer you to a basic adult literacy class. If you would like to learn how to speak English better, your PO can refer you to an English as a Second Language class. If you do not have a high school diploma or GED, your PO can also refer for GED preparation classes and testing. Ask your PO about these resources.

What If I Am Required To Complete Other Classes Not Mentioned Above?

You may be required to complete other classes such as anger management, family violence, theft classes, sex offender therapy, etcetera. Your PO will refer you to these programs.

What If I Need Other Resources?

In addition to making Court ordered referrals, I understand that my Probation Officer can provide me information regarding a variety of programs that may meet my needs. The Probation Department does not necessarily endorse these programs or services. If I need a referral, I should ask my Probation Officer for assistance.

How Do I Complete The Community Service Restitution (CSR) Hours Ordered By The Court?

The department has a list of agencies approved for CSR work. The agencies are either a government, or non-profit agency. These agencies have entered into an agreement with the department in providing a worksite for CSR. **Therefore, you cannot receive credit for work at an agency that is not on the department's approved list.** The department also has a CSR Day Work Crew run by the department where you can complete your hours. Orientation staff or your PO will refer you to the Day Work Crew or one of the department approved agencies.

Department Approved Agencies for CSR:

These agencies will require various duties such as clerical work, janitorial work, computer data entry, customer service, kitchen help, warehouse loading and unloading, animal maintenance, yard work, office organization, carpentry, etcetera. It is very important that you do not report to an agency to begin your CSR work until you are referred to an agency by the department.

Department's Day Work Crew:

The Day Work Crews run 7 days per week. You are transported in a vehicle from a designated gathering spot to various locations in the county. You are supervised by Probation Department staff or their designees. The work crew assignments consist mostly of manual labor jobs. The majority of the work is done outside and consists of landscaping/yard work, painting, moving furniture, picking up trash and recycling. You must wait until you are referred by the department to begin completing CSR hours with the Day Work Crew.

Can I Get Off Probation Early?

The law does not permit Early Discharge for some offenses. Early Discharges can only be granted by the court. You may hire an attorney to petition the courts to consider you for Early Discharge or your PO may initiate the process if you meet certain criteria. The minimum criteria that must be met in order for you to be considered for an Early Discharge is that you have served a specific amount of time, completed all of your conditions of probation, paid your fees, have not been arrested, demonstrated a history of compliance with your conditions of probation, and not be considered as a risk to the community in committing future crimes. Ask your PO for further information.

Civil Rights

Being placed on community supervision, pretrial diversion, or bond supervision affects your civil rights. Therefore the Travis County Adult Probation Department feels that the following information should be brought to the attention of all defendants under departmental supervision.

THE RIGHT TO VOTE

- 1. Misdemeanor Supervision A person on misdemeanor supervision is not affected and may vote.
- 2. Deferred Felony Supervision A person on this type of supervision is not affected and may vote.
- 3. Regular or Shock Felony Supervision A person on either of these may not vote until s/he is discharged from a sentence, including any term of incarceration, parole supervision or a period community supervision ordered by any court. Once a person has completed the term of community supervision, s/he can immediately register and be eligible to vote in an election.

If a person is not a US citizen, they do not have the right to vote.

For complete information on voting rights, contact an attorney, the United States Department of Justice/Civil Rights Division/Voting Section, your state or local election officials or the Texas Secretary of State Office/Election Division for information.

THE RIGHT TO HOLD PUBLIC OFFICE

- 1. Misdemeanor Supervision A person on misdemeanor supervision may hold public office.
- 2. Deferred Felony Supervision A person on this type of supervision may hold public office.
- 3. Regular or Shock Felony Supervision A person on either one of these types of supervision may not hold public office until discharged with rights restored. If rights are not restored, the defendant may not hold public office.

Exception: A person who is on Felony D.W.I., Involuntary Manslaughter, or Intoxication Manslaughter supervision, who was placed on regular supervision for a state jail felony offense before September 1, 2007, who is on regular community supervision for a sexual offense listed in Chapter 62 of the Code of Criminal Procedure or who is placed on regular community supervision for a 3g offense on or after September 1, 2007 may not hold public office, even after discharge from community supervision.

Note: This exception no longer applies to a person placed on regular community supervision for a state jail felony offense on or after September 1, 2007 who has had his/her rights restored upon discharge from community supervision. If rights are not restored, the defendant may not hold public office.

If a person is not a US citizen, they do not have the right to hold public office.

Contact an attorney for complete information.

RIGHT TO SERVE ON A JURY

1. Misdemeanor Supervision - A person on misdemeanor supervision may serve on a jury.

Exceptions: For a criminal trial, a person who is on supervision for misdemeanor theft (including a deferred adjudication) cannot serve until discharged with rights restored. If rights are not restored, the defendant may not serve on a jury.

For a civil trial, a person who is on deferred adjudication for a misdemeanor theft cannot serve. Moreover, a person who has a conviction for misdemeanor theft cannot serve on a jury unless the person has had his/her rights restored upon discharge from community supervision. If rights are not restored, the defendant may not serve on a jury.

2. Felony Supervision - A person on any type of felony supervision (including deferred adjudication community supervision) may not serve on either a criminal or civil jury until s/he is discharged and the court sets aside the accusation and dismisses the charges against the offender.

Exception: A person who is on Felony D.W.I., Involuntary Manslaughter, or Intoxication Manslaughter supervision, who was placed on regular supervision for a state jail felony offense before September 1, 2007, who is on regular community supervision for a sexual offense listed in Chapter 62 of the Code of Criminal Procedure or who is placed on regular community supervision for a 3g offense on or after September 1, 2007 may never serve on a jury.

Note: This exception no longer applies to a person placed on regular community supervision for a state jail felony offense on or after September 1, 2007 who has had his/her rights restored upon discharge from community supervision. If rights are not restored, the defendant may not serve on a jury.

If a person is not a US citizen, they do not have the right to serve on a jury.

Contact an attorney for complete information.

RIGHT TO KEEP AND BEAR ARMS

1. Misdemeanor Supervision - A person on misdemeanor supervision is not affected, except that persons placed on regular community supervision for a <u>domestic violence offense</u> may not possess a firearm.

For one who has been convicted of a misdemeanor crime of domestic violence, the prohibition on the possession of firearms and ammunition does not apply if that individual has received a pardon for the crime, the conviction has been expunged or set aside, or the person has had his/her civil rights restored and the person is not otherwise prohibited from possessing a firearm or ammunition.

- 2. Deferred Felony Supervision A person on this type of supervision may possess a firearm and ammunition and can go hunting, but s/he cannot buy additional firearms or ammunitions nor carry them across state lines.
- 3. Regular or Shock Felony Supervision A person on either of these types of supervision may not possess, ship, transport, or receive a firearm or ammunition. Even if an offender is discharged from community supervision and the court sets aside the verdict and dismisses the accusation against the individual, s/ he may still be barred from possessing a firearm, depending on the position taken by each local office of the Federal Bureau of Alcohol, Firearms, and Tobacco.

In such a situation, it would be necessary to obtain a release from the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury. To request information on a release, you may write to the Assistant Director, Criminal Enforcement Division, Bureau of Alcohol, Tobacco, and Firearms, P. O. Box 784, Ben Franklin Station, Washington, D.C. 20044.

Even if a defendant obtains a release from the Federal Bureau of Alcohol, Tobacco, and Firearms, State law still prohibits a felon from possessing a firearm before the fifth anniversary of the individual's release from community supervision, and even thereafter, the felon can only possess a firearm on the premises at which s/he lives. This provision will apply to a felon discharged from community supervision whose conviction was not set aside by the court in accordance with Article 42.12, Section 20, Code of Criminal Procedure. See Cuellar v. State, 70 S. W. 3d 815 (Tex. Cr. App. – 2002).

Exceptions: A person who is on Felony D.W.I., Involuntary Manslaughter, or Intoxication Manslaughter supervision, who was placed on regular community supervision for a state jail felony offense before September 1, 2007, who is on regular community supervision for a sexual offense listed in Chapter 62 of the Code of Criminal Procedure or who is placed on regular community supervision for a 3g offense on or after September 1, 2007 may not possess, ship, transport or receive a firearm or ammunition unless a full pardon is obtained from the Governor or a release is obtained from the Bureau of Alcohol, Tobacco, and Firearms.

If a person is in the US illegally, they do not have the right to keep and bear arms.

Contact the Federal Bureau of Alcohol, Tobacco and Firearms, Austin office, at (512) 349-4545 for further information.

NOTES
